

# ARTICLE V. BUFFERS AND SCREENING

## Sec. 44-151. Buffers and screening; buffer matrix schedule.

- (a) *Scope.* In order to reduce the impact of a use of land on adjacent uses which are of a significantly different character, density or intensity, buffers and screening shall be required in accord with this section.
- (b) *Buffer required.* A buffer consists of a horizontal distance from a lot line which may only be occupied by screening, underground utilities, retention areas and landscaping materials. The required buffering distance between the proposed land uses and the existing adjacent land use on adjoining zoning lots is set forth in the buffer matrix in table 3. If the land next to the proposed development is vacant, the buffering required shall be determined by the existing zoning on the adjacent vacant parcel. If the adjacent parcel is vacant, but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive use. Any use of land which is not expressly listed in this subsection shall be considered as listed in groups containing similar uses. The relative degree of intensity shall be determined as follows:
  - (1) Single-family and two-family, as used in this section, shall be the least intensive.
  - (2) Multiple-family, less than 12 units per acre, shall be the next least intensive.
  - (3) Multiple-family, more than or equal to 12 units per acre, shall be the next least intensive.
  - (4) Group 2 shall be the next least intensive.
  - (5) Group 3 shall be the most intensive.

TABLE 3. BUFFER MATRIX						
		Abutting Use or Zoning				
		Multiple-Family				
Proposed Use	Single and Two-Family (feet)	Less than 12 Units/Acre (feet)	12 or More Units/Acre (feet)	Group 1 (feet)	Group 2 (feet)	Group 3 (feet)
Single-family and two-family	0	0	0	0	0	0
Multiple-family (less than 12 units/acre)	5	0	0	0	0	0
Multiple-family (12 or more units/acre)	20	5	0	0	0	0

TABLE 3. BUFFER MATRIX						
		Abutting Use or Zoning				
		Multiple-Family				
Proposed Use	Single and Two-Family (feet)	Less than 12 Units/Acre (feet)	12 or More Units/Acre (feet)	Group 1 (feet)	Group 2 (feet)	Group 3 (feet)
Group 1	10	10	10	0	0	0
Group 2	15	15	15	10	0	0
Group 3	30	30	30	20	15	0

GROUP 1:	
Cultural facilities	Galleries, museums, libraries
Residential support uses	Church/synagogue, child care center
Schools	College/university, elementary school, high school, middle school

GROUP 2	
Communication facilities	Radio and television studio, motion picture studio, telecommunications tower
Membership organizations/public facilities	Public service facilities, public use facilities
Retail	Convenience goods, shopper goods, bicycle sales, gas station, liquor stores, lumber and other building materials, mail order pickup facility, manufactured home sales, motor vehicle sales, domestic vehicle sales, commercial vehicle sales, service station, used merchandise sales
Services	Banking (automatic teller, bank)
Business services	
Health services	Health practitioners; animal hospital/veterinary clinics; hospitals; medical and dental laboratories; nursing, convalescent and extended care facilities;

<b>GROUP 2</b>	
	nursing, convalescent and extended care facilities; rehabilitation centers; sanitarium/mental institution
Lodging places	Hotels/motels
Professional services	
Personal services	
Recreation and amusement services	
Repair services	Motor vehicle repair, minor; motor vehicle repair, major; bicycle repair; electrical and electronic repair; gunsmith; locksmith; reupholstery; furniture refinishing and repair; small motor repair; watch, clock and jewelry repair
Miscellaneous services	Carwash, contractor's office, crematorium, dry cleaners, exterminator, food catering, funeral parlor, lawn care/landscaping, mail order office, photography studio, rental of light equipment, rental of vehicles or heavy equipment, sign painting service, slaughterhouse
Technical schools	
Miscellaneous	Flea markets, off-street parking, publishing and printing, research activities
<b>GROUP 3</b>	
Place of assembly	
Manufacturing, processing and assembly	
Open uses of land, heavy	Junkyards, open storage
Transportation facilities	Railroad switching and classification yard, truck terminal
Warehousing	Warehouse, miniwarehouse
Miscellaneous	Adult uses, contractor's office--open storage, dragstrip and racetrack, lumberyard, stadium, wholesale distribution

- (c) *Screening required.* Screening shall be required along the property boundaries of the zoning lot with the exception that screening such as hedges, fences or walls, as described in this section, shall not be placed within the first 20 feet of the front yard.
- (1) Within buffers ten feet or less in required width, screening is required and shall consist of at least the following:
- a. One of the following:
    - 1. A row of evergreen conifers or broadleaf evergreens placed not more than five feet apart which would grow to form a continuous hedge of at least six feet in height within two years of planting;
    - 2. A masonry wall located within the required buffer; such wall shall be a minimum height of six feet above the finished grade and, if a block wall, it shall be painted on all sides;
    - 3. An opaque fence six feet in height; or
    - 4. A berm and planting combination, with the berm an average height of three feet and dense plantings which will, when combined with the berm, achieve a minimum height of six feet and 75 percent opacity within two years.
  - b. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock or wood mulch covering the balance of the buffer.
- (2) Within required buffers of between 10 1/10 feet and 15 feet in width, screening is required and shall consist of at least the following:
- a. The requirements of subsection (c)(1) of this section; and
  - b. A row of evergreen trees, which are not less than six feet in height at the time of planting and are spaced not more than 15 feet apart.
- (3) Within required buffers more than 15 feet in width, screening is required and shall consist of at least the following:
- a. A row of evergreen trees which are not less than ten feet high at the time of planting and are spaced not more than ten feet apart;
  - b. An opaque fence located within the required buffer; the fence shall be a minimum height of six feet; and
  - c. Lawn, low-growing evergreen shrubs or broadleaf evergreens, evergreen ground cover, or rock or wood mulch covering the balance of the buffer.
- (d) *Alternative buffers and screening.* In lieu of compliance with the buffer and screening requirements in subsections (a) through (c) of this section, an applicant may submit to the zoning administrator for his review and approval a detailed plan and specifications for landscaping and screening. The zoning administrator may approve the alternative buffering and screening, in writing, upon finding that the proposal will afford a degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by

such requirements.

- (e) *Existing vegetation.* The retention of existing vegetation shall be maximized to the extent practicable, wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.
- (f) *Maintenance and irrigation of landscaping.* All landscaping and screening which provides required buffering and screening shall be maintained to continue their effectiveness.
- (g) *Determination for unlisted uses.* The zoning administrator shall make a determination, for uses not listed in table 3, of the group appropriate for such uses. In reading the determination, the zoning administrator shall be guided by the requirements for similar uses having comparable external effects.

(Code 1995, § 515.060)

#### **Sec. 44-152. Screening of open storage.**

Open storage areas shall be screened from view of any street and from all adjacent less intensive uses as follows:

- (1) The method of screening shall consist of an opaque fence of at least six feet in height;
- (2) Storage materials shall not be visible from any street; and
- (3) Storage materials shall not be visible from any adjacent less intensive use of land.

(Code 1995, § 515.061)

#### **Sec. 44-153. Screening of mechanical equipment.**

All nonresidential uses shall screen from view from public places and neighboring properties all mechanical equipment, such as but not limited to air conditioners or pumps, through the use of features such as berms, fences, false facades, or dense landscaping.

(Code 1995, § 515.062)

#### **Sec. 44-154. Central solid waste storage area.**

All new buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.

(Code 1995, § 515.063)

#### **Sec. 44-155. Exceptions to screening requirements.**

- (a) Where a commercial or office-institutional development is proposed on a lot adjoining a vacant lot, upon the full compliance with the following conditions, the developer can be exempted from the screening requirements as described in section 44-151. These conditions are the following:
  - (1) Adjoining landowners execute a written acknowledgment of their consent

to the waiver of such screening criteria and of its legal ramifications.

- (2) The waiver is recorded at the register of deeds in both the grantor's and grantee's names.
  - (3) The adjoining tract has either a natural vegetative or other screening structure or a minimum of 200 feet of road frontage, which acts to provide both a visual or a noise buffer between the developing lot and the affected tracts surrounding the adjoining lot which has waived the buffer requirements.
  - (4) The developer must comply with section 44-298 pertaining to landscaping standards for off-street parking.
- (b) Where a church/synagogue (a tax-exempt building used for nonprofit purposes by a recognized and legally established sect for the purpose of worship, including educational buildings when operated by such church/synagogue) is proposed on a lot adjoining a vacant or built upon lot, the church/synagogue can be exempted from the screening requirements as described in section 44-298, if the following conditions are complied with:
- (1) Adjoining landowners execute a written acknowledgment of their consent to the waiver of such screening criteria and of its legal ramifications.
  - (2) The waiver is recorded at the register of deeds in both the grantor's and grantee's names.

(Code 1995, § 515.064)

Secs. 44-156--44-180. Reserved.